

THIRD SESSION

of the House of Delegates, held Thursday
Morning, April 18, 1918, 9:00 o'clock.

ROLL CALL.

On roll call a quorum was found present and acting.

General Attorney Hartley F. Peart then addressed the House on the subject of Legal Defense.

AMENDMENTS.

On motion of John C. Young, seconded by Geo. G. Reinle, it was unanimously

Resolved, that the Amendments to the By-Laws be read section by section, that they be adopted as read unless there be objection.

Mr. Hartley F. Peart, the general attorney, read each proposed amendment to the By-Laws and after discussion on motion, duly made and seconded, was duly adopted; and the By-Laws as thus duly amended read as follows, to-wit:

BY-LAWS OF THE MEDICAL SOCIETY OF THE STATE OF CALIFORNIA

(As revised and amended at the Annual Meeting held at Del Monte, April 1918).

ARTICLE I.

MEMBERSHIP.

Section 1. All members of affiliated County Medical Societies, except associate or honorary members, shall by virtue of such membership, be members of this Society upon certification by the Secretary of the component Society of such membership and the receipt of the assessment for the fiscal year.

Sec. 2. Any person who is under sentence of suspension or expulsion from a component society, or whose name has been dropped from its roll of members, shall not be entitled to any of the rights or benefits of this Society, nor shall he be permitted to take part in any of its proceedings, nor receive its publications, until he has been relieved of such disability.

Sec. 3. It shall be the duty of the Secretary of each component society to furnish the Secretary of this Society, before the first day of March of each year, a list of all members in good standing (with addresses) on the first day of January of each year.

Sec. 4. Any physician residing in a county in which there is no county medical society in affiliation with this Society, may make application for membership to the county society of the county nearest to that in which he resides, or to that adjoining county society which he can most conveniently attend.

Sec. 5. Each member in attendance at the annual meeting shall enter his name on the registration book, indicating the component society of which he is a member. When his right to membership has been verified, by reference to the roster of his society, he shall receive a badge, which shall be evidence of his right to all the privileges of membership at that meeting. No member shall take part in any of the proceedings of an annual

meeting until he has complied with the provisions of this section.

Sec. 6. All members of this Society, on the membership roll during the year 1917, or thereafter, who actively enter the public service of the United States, shall be considered as members of this Society in good standing, with all rights and privileges of such membership, and shall be exempt from all assessments of this Society, including, if members thereof, assessments for the Indemnity Defense Fund, while in active service and absent from professional work during the present war.

ARTICLE II.

MEETINGS.

Section 1. The annual meeting of this Society shall convene on the third Tuesday in April of each year.

Sec. 2. Special meetings of the House of Delegates may be called by the President and shall be called by him upon the written request of at least twenty Delegates, provided that each Delegate is notified as to time, place, and object of the proposed meeting, by written notice, given at least ten days prior thereto.

Sec. 3. During the annual meeting of this Society, the general meeting shall convene each day at 9 a. m., and at such other times as it may, by resolution, determine, which times shall not conflict with the sessions of the House of Delegates. Section meetings may be provided for by the Committee of Arrangements. The House of Delegates shall meet each day at 8 p. m., or at such other time as will not conflict with the general meetings.

Sec. 4. The general meeting may recommend to the House of Delegates the appointment of committees or commissions for scientific investigation of special interest and importance to the profession and to the public.

ARTICLE III.

HOUSE OF DELEGATES.

Section 1. The House of Delegates shall be the legislative body of the Society, and shall consist of delegates representing each component society.

Sec. 2. The House of Delegates shall meet at 8 p. m. on the first day of the annual session. It may adjourn from time to time as may be necessary to complete its business, provided that its hours shall conflict as little as possible with the general meetings. The order of business shall be arranged as a separate section of the program.

Sec. 3. Each component county society shall be entitled to send to the House of Delegates each year one delegate for every twenty-five members, and one for each major fraction thereof, except in the event of reapportionment, as provided in Article V, Section 6; but each component society which has made its annual report and paid its assessment as provided in this Constitution and By-Laws shall be entitled to one delegate.

Sec. 4. Twenty-five delegates shall constitute a quorum.

Sec. 5. Delegates shall be elected for a term of two years, and those societies entitled to more than one representative are required to arrange

such election so that one-half of their delegates, as near as may be, shall be elected each year.

Sec. 6. At the first annual meeting of this Society, after the adoption of this Constitution and By-Laws, the delegates of component societies entitled to only one delegate, shall draw lots to determine which half of the delegates shall hold for one year. Thereafter all delegates shall hold for two years, or until their successors are chosen.

Sec. 7. The House of Delegates shall approve all memorials and resolutions of whatever character issued in the name of the Medical Society of the State of California before the same shall become effective.

Sec. 8. The sessions of the House of Delegates shall be open to all members of this Society, but, except upon invitation, they shall have no right to participate in its proceedings.

Sec. 9. The House of Delegates shall make careful inquiry into the condition of the profession of each county in the State, and shall have authority to adopt such methods as may be deemed most efficient for building up and increasing the interest in such county societies as already exist, and for organizing the profession in counties where societies do not exist. It shall especially and systematically endeavor to promote friendly intercourse among physicians of the same locality, and shall continue these efforts until every physician in every county of the State who can be made reputable has been brought under medical society influence.

Sec. 10. The House of Delegates shall have authority to appoint committees for special purposes from among members of the Society who are not members of it. Such committees shall report to the House of Delegates, and may be present and participate in the debate on their reports.

Sec. 11. The House of Delegates shall elect representatives to the House of Delegates of the American Medical Association in accordance with the Constitution and By-Laws of that body.

Sec. 12. Members of the House of Delegates shall be designated by an appropriate badge.

ARTICLE IV.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings of the Society and of the House of Delegates; he shall appoint all committees not otherwise provided for; he shall deliver an annual address at such time as may be arranged, and perform such other duties as custom and parliamentary usage may require.

Sec. 2. The Vice-Presidents shall assist the President in the discharge of his duties. In the event of the President's death, resignation or removal, the Council shall select one of the Vice-Presidents to succeed him.

Sec. 3. The Secretary shall attend the general meetings of the Society and the meetings of the House of Delegates and of the Council, and shall keep the minutes of their respective proceedings. He shall be ex-officio Secretary of the Council. He shall be custodian of all records, books and papers belonging to the Society, and shall keep account of and promptly turn over to the depository all funds of the Society which come into his

hands. He shall provide for the registration of the members and delegates at the annual meetings. He shall, with the co-operation of the Secretaries of the component societies, keep a card-index register of all the legal practitioners of the State by counties, noting on each his status in relation to his county society. He shall aid the Councilors in the organization and improvement of the county societies and in the extension of the power and usefulness of this Society. He shall perform such other duties as the Council shall direct. He shall conduct the official correspondence, notifying members of meetings, officers of their election, and committees of their appointment and duties. He shall employ such assistants as may be ordered by the Council, and shall make an annual report to the House of Delegates. He shall supply each component society with the necessary blanks for making its annual report; he shall keep an account with the component societies, charging against each society its assessment, collect the same, and at once turn it over to the depository. Acting with the Committee on Scientific Work, he shall prepare and issue all programs. The amount of his salary shall be fixed by the Council. The Secretary shall file a bond to the Society with sufficient surety approved by the Council, in the sum of \$2000, for the faithful performance of his duties.

Sec. 4. The depository of the Society shall be a bank or trust company to be selected by the Council. All funds received for the Society by an officer or agent thereof shall be at once deposited with the depository. The depository shall pay out the money of the Society only upon a check or draft signed by the Secretary and countersigned by the Chairman of the Council. The Secretary shall issue such checks or drafts only upon vouchers approved by the Auditing Committee and signed by all the members thereof. A cash fund of two hundred dollars (\$200.00) may be left with the Secretary, from which fund petty cash items may be paid. But no bill exceeding five dollars (\$5.00) shall be paid except by check or draft and in the manner herein provided.

ARTICLE V.

Section 1. The Council shall meet on the day preceding the annual meeting and daily during the sessions. Regular meetings shall also be held quarterly, in January, April, July and October of each year, at least one of which shall be held in the southern section of the State. Special meetings may be called by the chairman at any time, and he shall call a special meeting upon the written request of at least three Councilors, provided written notice for not less than seven days, of the time, place and object of the proposed special meeting be given by the Secretary; and at the meeting held on the last day of the annual meeting of the Society it shall reorganize and outline the work for the ensuing year. It shall elect a Chairman who shall make an annual report to the House of Delegates of its proceedings. It shall have the power to invest the funds of the Society.

Sec. 2. In the event of a vacancy in the Council, or in the office of Secretary, or in any elective

office not otherwise provided for, the Council shall fill the vacancy until the next annual election.

Sec. 3. In sparsely settled sections it shall have authority to organize the physicians of two or more counties into a society. Such a society when organized shall be entitled to all the rights and privileges provided for component societies until such counties shall be organized separately.

Sec. 4. The Council shall provide for the publication and distribution of a periodical to be known as the "California State Journal of Medicine," or some similar title to be determined by the Council, and such other publications as may be necessary, and shall have authority to employ at such salary as it may deem proper, an Editor, who shall be responsible to the Council, and who shall properly edit and conduct the official journal and such other publications as may be authorized by the House of Delegates or the Council.

Sec. 5. The Council, as the Finance Committee of the House of Delegates, shall audit the accounts of all officers, committees and agents of the Society, at least once a year, and shall present a report to the House of Delegates.

Sec. 6. The Council shall divide the State into Councilor districts, according to the number of districts fixed by Article VI, Section 1 of the Constitution, specifying what counties each district shall include. Whenever the number of Delegates, as provided in Article III, Section 3, exceeds eighty, it shall make a reapportionment that shall bring the number of Delegates within this limit, after carefully examining the membership list of component societies to determine therefrom the number of delegates to which each county medical society shall be entitled. Such reapportionment to take place at the annual meeting next succeeding that at which the reapportionment is approved by the House of Delegates.

Sec. 7. The Council shall, upon application, provide and issue charters to county societies organized to conform to the spirit of this Constitution and By-Laws, and such county societies shall not amend or change the same, contrary thereto.

Sec. 8. The Council, when the best interest of the Society and profession will be promoted thereby, shall organize district medical societies, and all members of the component county societies, and no others, shall be members in such district societies.

Sec. 9. The Secretary, with the written authorization of the Chairman, may submit any urgent question to the Council by mail ballot.

Sec. 10. The Chairman shall appoint a committee of two who shall audit the accounts of the Society at least once every month, and who shall have general supervision of all the finances of the Society.

Sec. 11. The Council shall carefully investigate all charges of malpractice alleged against any member in good standing, and if it is found that such charges are groundless, it shall take such steps as it deems proper for the best interests of the Society. For such purpose it is authorized to employ an attorney, or attorneys, to advise or

defend in all matters for, or on behalf of, the Society or members thereof.

Sec. 12. The Council shall appoint a Committee on Arrangements, to consist of three members, and who shall serve for one year. It shall provide suitable accommodations for the meeting places of the Society and of the House of Delegates, and of their respective committees, and shall have general charge of all the arrangements at the meeting place. Its chairman shall report an outline of the arrangements to the Secretary for publication in the program, and shall make additional announcements during the sessions, as occasion may require.

Sec. 13. The Publicity Bureau shall consist of the President of the Society, the Chairman of the Council, the Chairman of the Auditing Committee, the Secretary, the Editor and the General Attorney. The Bureau shall elect its own Chairman, and the Secretary shall act as secretary thereof. It shall keep a record of its proceedings and report same to the Council. It shall initiate action, investigate or take charge of all matters in which the welfare and the best interests of the public and of the Society are mutually concerned.

ARTICLE VI.

SCIENTIFIC WORK.

Section 1. The Committee on Scientific Work shall consist of the Secretary of the Society, the Secretaries of the Scientific Sections, and four members of the Society who shall be elected by the House of Delegates, one each year to serve for four years. The Secretary of the Society shall be the Chairman thereof. It shall determine the character and scope of the scientific proceedings of the Society, subject to the instructions of the House of Delegates.

Sec. 2. ORDER OF BUSINESS.

General Meeting.

1. Calling to Order.
2. Address of Welcome.
3. Address by President.
4. Reading and Discussion of Papers and Reports of Standing Committees.
5. Reading and Adoption of Minutes.
6. Adjournment.

House of Delegates.

1. Calling to Order.
2. Roll Call.
3. Report of President.
4. Report of Secretary.
5. Report of Council.
6. Report of Editor.
7. Report of the Chairman of the Auditing Committee.
8. Report of the Standing Committees.
9. Report of Special Committees.
10. Unfinished Business.
11. New Business.
12. Announcement of Place of Meeting.
13. Election of Officers and Delegates.
14. Reading and Adoption of Minutes before Adjournment of Each Session.
15. Adjournment.

Sec. 3. The above Order of Business of either Branch of this Society shall be subject to tempo-

rary change or suspension by a majority vote of all members present, except the election of Officers and Delegates, as provided in Article VI, Sections 1, 2 and 3 of the Constitution.

Sec. 4. No paper, address or report presented before the general meeting, except the address of the President, shall occupy more than twenty minutes. In discussion, no member shall be allowed to occupy more than five minutes, except by consent.

Sec. 5. The House of Delegates may elect, or authorize the President to appoint, or the Council may elect, or authorize the Chairman to appoint, special committees to serve for one year or until the next annual meeting, upon scientific subjects and work, not otherwise provided for.

ARTICLE VII.

COUNTY SOCIETIES.

Section 1. All component county societies of this Society or those which may hereafter be organized in this State, which have adopted principles of organization not in conflict with this Constitution and By-Laws, shall, on application, receive a charter from and become a component part of this Society.

Sec. 2. As rapidly as can be done after the adoption of this Constitution and By-Laws, a medical society shall be organized in every county in the State in which no component society exists, and charters shall be issued thereto.

Sec. 3. Charters shall be issued only upon approval of the Council or House of Delegates, and shall be signed by the President and Secretary of this Society. The Council or the House of Delegates shall have authority to revoke the charter of any component society whose actions are in conflict with the letter or spirit of this Constitution and By-Laws.

Sec. 4. Only one component medical society shall be chartered in any county.

Sec. 5. Each county society shall judge of the qualifications of its own members, but, as such societies are the only portals of this Society and to the American Medical Association every reputable and legally registered physician who does not practice or claim to practice, nor lend his support to, any exclusive system of medicine, shall be eligible to membership. Before a charter is issued to any county society, full and ample notice and opportunity shall be given to every physician in the county to become a member.

Every applicant for membership in a component society must fill out and sign in duplicate the application blanks provided by the Society prescribing the necessary qualifications for membership.

Sec. 6. Any physician who may feel aggrieved by the action of the society of his county in refusing him membership, or in suspending or expelling him, shall have the right to appeal to the Council, and if the decision of the Council be questioned, an appeal shall be taken to the House of Delegates, whose decision in any case shall be final.

Sec. 7. In hearing appeals the Council may admit oral or written evidence as in its judgment will best and most fairly present the facts; but in case of every appeal, both as a Board and as

individual Councilors in district and county work, efforts at conciliation and compromise shall precede all such hearings.

Sec. 8. When a member in good standing in a component society moves to another county in this State, his name, on request, shall be transferred, without cost, but upon assuming such financial obligation as shall be deemed proper by the component society to which transferred, to the roster of the county society into whose jurisdiction he moves.

Sec. 9. A physician living on or near a county line may hold his membership in that county most convenient for him to attend, provided that the consent of the society of the county in which such physician may reside be first obtained, and also the consent of the society which he desires to attend.

Sec. 10. At some meeting in advance of the Annual Session of this Society each county society shall elect a delegate or delegates, and an alternate or alternates, to represent it in the House of Delegates of this Society, in proportion of one delegate to each twenty-five members or major fraction thereof, and the Secretary of the county society shall send a list of such delegates to the Secretary of this Society, at least two weeks before the Annual Meeting.

Sec. 11. The Secretary of each component society shall keep a roster of its members and of the non-affiliated registered physicians of the county, on which shall be shown the full name, address, college and date of graduation, date of license to practice in this State, and such other information as may be deemed necessary. In keeping such roster the Secretary shall note and at once notify the State Secretary of any changes in the personnel of the profession, by death or by removal to or from the county, on blank forms to be furnished by the State Society therefor, and in making his annual report he shall be certain to account for every physician who has lived in the county during the year.

Sec. 12. The Secretary of each component society shall forward its assessment, together with its roster of officers and members, list of delegates, and list of non-affiliated physicians of the county, to the Secretary of this Society before the first day of March of each year.

Sec. 13. Any county society which fails to pay its assessment or make the report required, on or before March 1st, shall be held as suspended, and none of its members or delegates shall be permitted to participate in any of the business or proceedings of the Society or of the House of Delegates during the annual session of that year, nor thereafter until such requirements have been met.

Sec. 14. In counties where it is not practicable to organize a County Medical Society, any member of the profession in said county may have the privilege of uniting with the society of an adjoining county, but such membership shall continue only during the time that no organized County Medical Society exists in that county. If, however, it is more convenient for a physician who lives in one county to attend the meetings of an adjoining component society, he may continue as

or become a member of such society, provided that jurisdiction be first waived by the society of the county in which such physician may reside.

Sec. 15. Any component society having its privileges suspended for two successive years shall be dropped from the list of component societies.

Sec. 16. If any County Medical Society shall refuse to pay its annual assessment, or to investigate a charge against any member, or to discipline such member if found guilty, or commit any act which may be derogatory to the honor of the medical profession, such society may have all its rights and privileges suspended, on a two-thirds vote of the Council or of the House of Delegates.

Sec. 17. No member of a component society shall be deprived of his membership unless by his own act, except by a three-fourths affirmative vote of all the members present at a regular meeting, and after an opportunity has been given for the accused to be heard in his own defense; but a member shall be dropped on the revocation of his certificate by the Board of Medical Examiners of California.

Sec. 18. No member shall be permitted to resign while he owes dues, or while he is under charges. Any member of a component society who is censured, suspended or expelled shall have the right to appeal to the Council of this Society. This appeal must be made within three months from date of the act of censure, suspension or expulsion. The decision of the Council shall be reported to the House of Delegates of the State Society at its next annual meeting, for final adjudication.

Sec. 19. When a member shall resign his membership in a component society, he shall thereby forfeit all right and title to any share in the privileges and property of the Medical Society of the State of California, or its subordinate divisions.

Sec. 20. Any County Society may, in its discretion, create a class of associate members; physicians not licensed to practice in this State, but connected with any of the State or Federal service or engaged in research, scientific or teaching work, shall be eligible to associate membership. Persons engaged professionally in branches of science allied to medicine but not holding the degree of Doctor of Medicine may be elected to associate membership.

Associate or honorary members of any county society are not members of this Society.

ARTICLE VIII.

SEALS.

Section 1. The seal of this Society shall be of the same size and design as the seal of the State of California. The marginal inscription shall have in the upper segment, "The Medical Society of the State of California"; in the lower segment, "1856 and 1902." It shall be in the custody of the Secretary of this Society.

ARTICLE IX.

MISCELLANEOUS.

Section 1. All papers read before the Society or any of the Sections shall become its property. Each paper shall be deposited with the Secretary when read.

Sec. 2. The deliberations of this Society shall be governed by parliamentary usage as contained in Robert's Rules of Order, when not in conflict with this Constitution and By-Laws.

Sec. 3. The Principles of Medical Ethics of the American Medical Association are recommended in the conduct of members in their relations to each other and to the public.

Sec. 4. The fiscal year of the Society shall be from January 1st to December 31st, and all books and accounts shall be balanced and closed on the 31st day of December.

Sec. 5. For the purpose of determining the amount of the assessment upon each component society for the fiscal year, the Secretary of each component society shall file with the Secretary of the State Society, on or before the first day of March of each year, a statement of the number of members in good standing on the first day of January of such year, as provided in Article I, Section 3. Names of additional members may be transmitted to the Secretary of this Society at any time during the year, but all names transmitted shall be accompanied by the assessment to the State Society for that year. Any such new member joining a component county society at any time during the Society's fiscal year shall pay the regular annual assessment to be applied as such for the fiscal year in which he joins; provided that if such new member joins a component county society after July 1st, he shall pay only one-half the regular annual assessment for such fiscal year.

ARTICLE X.

AMENDMENT TO BY-LAWS.

Section 1. The House of Delegates is authorized to amend any Article or Section of the By-Laws by a three-fourths affirmative vote of the delegates present; provided, that such amendment has been submitted in writing and laid on the table for twenty-four hours previous to being voted upon.

Sec. 2. The Constitution and By-Laws heretofore governing this Society are hereby repealed, and this Constitution and By-Laws shall be in full force and effect immediately after it is declared duly adopted.

Upon motion of Jas. H. Parkinson, seconded by C. Van Zwalenburg, it was unanimously

Resolved, that the Amendments to the By-Laws be adopted as a whole and all in conflict be repealed.

Upon motion of Geo. H. Kress seconded by H. A. L. Ryfkogel it was unanimously

Resolved, that a war tax of \$2.00 per capita instead of \$1.00 (as recommended for adoption at the previous meeting) be levied on all the members of the Medical Society not in military service, in order to meet the deficit occasioned by military enrollment.

Upon motion it was regularly moved and seconded that reading the Minutes of the Second Session be dispensed with.

Upon motion it was regularly moved and seconded that the House of Delegates adjourn to meet at Hotel Potter, Santa Barbara, April, 1919.